

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JAMES MESSERSCHMIDT,		:	
	Plaintiff,	:	
		:	23 Civ. 4841 (LGS)
-against-		:	
		:	<u>ORDER</u>
EE BAR, LLC,		:	
	Defendant.	:	
-----X		:	

LORNA G. SCHOFIELD, District Judge:

WHEREAS, the Order, dated June 12, 2023, required the parties to file a proposed joint letter and case management plan no later than seven days before the initial pretrial conference;

WHEREAS, the initial pretrial conference is scheduled for August 2, 2023;

WHEREAS, Defendant was served on June 16, 2023;

WHEREAS, Defendant was required to respond to the Complaint by July 7, 2023;

WHEREAS, Defendant has not appeared in this case and has not timely responded to the Complaint;

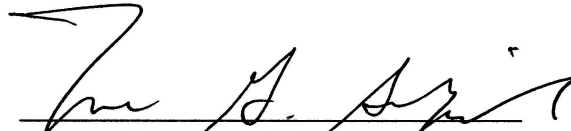
WHEREAS, Plaintiff filed a letter requesting that the initial pretrial conference be adjourned *sine die* because Defendant has failed to appear or respond to the Complaint. It is hereby

**ORDERED** that Plaintiff shall make an additional attempt to contact Defendant. If Plaintiff is able to establish communication with Defendant, the parties shall file the joint letter and proposed case management plan as soon as possible and no later than **August 9, 2023**, and shall explain why they have not complied with the Court's deadlines. If Defendant refuses to cooperate in the preparation of these documents, Plaintiff shall prepare and file them. If Plaintiff is not in communication with the Defendants, no later than **August 10, 2023**, Plaintiff shall present an Order to Show Cause for default judgment as to Defendant and related papers as

provided in the Court's Individual Rules. It is further

**ORDERED** that the initial pretrial conference scheduled for August 2, 2023, is adjourned to **August 16, 2023, at 4:20 P.M.**

Dated: July 5, 2023  
New York, New York



**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**